

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 22, 1991

ALL COUNTY INFORMATION NOTICE NO. I-31-91

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL JUVENILE COURT JUDGES

SUBJECT: INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC)

The purpose of this letter is to clarify the Department's policy regarding the out-of-state placement of children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC). California Civil Code Section 264 - 274 governs the placement of children through the Interstate Compact on the Placement of Children (ICPC) process. Section 265 Article 3 (d) states:

"The child shall not be sent, brought, or caused to be sent or brought into the receiving State until the appropriate public authorities in the receiving State shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child."

The Compact is intended to protect the interests of the child and the sending and receiving States. It is applicable whenever a California court, County Welfare Department or Probation Department, as the sending agency, wishes to place a child adjudicated a dependent child of the court or a ward of the court into a home or private institution located in another member State. The ICPC requires that prior to placement, a sending agency shall furnish the appropriate public agency in the receiving State written notice of intention to place the child in the receiving State (Civil Code Section 265, Article 3(b)). A completed Interstate Compact Placement Request (Form ICPC 100A), an acceptable financial and medical plan, including Title IV-E eligibility information, a social study, and evidence of the

authority to place shall be sent, with an appropriate number of copies, to the Interstate Placement Bureau, 744 P Street, Mail Station 9-108, Sacramento, CA 95814, to initiate the Compact process. The request should be submitted as early as possible to facilitate the review of the placement resource by the receiving State. Regulations for out-of-state placements are found in Division 30-366 of the Department's Manual of Policies and Procedures (MPP).

AFDC-FC funding for placements supervised by the County Welfare Department or the Probation Department is jeopardized if placing agencies are not following the provisions of the Compact, MPP Divisions 29 and 30, Welfare and Institutions Code Section 1300 and EAS 45-201.4, 202.517, 202.6, 203.5, 203.417. An eligible child may not be moved from one State to another until the Compact Administrator in the receiving State has notified the placing agency, in writing, that the placement may be made and that the proposed placement does not appear contrary to the needs of the child. Compliance with these requirements assures that the child's or youth's safety and financial and medical needs are met during out-of-state placement.

The Compact provides a number of safeguards for the movement of children across State lines which include enabling each child requiring placement to receive "the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care." (Civil Code Section 265, Article 1(a)).

AFDC-FC can only be paid on behalf of a child placed in an eligible facility (EAS Sections 45-202.5 and 45-203.4). EAS Sections 45-202.517 and 45-203.417 ensure that California minors placed in out-of-state facilities are protected by the same standards that protect minors in California facilities. These regulations make the protection of personal rights for California children placed out-of-state an AFDC-FC requirement.

For purposes of AFDC-FC payment, placement and care can be vested with County Probation Departments provided there is in effect a written signed agreement with the County Welfare Department (EAS Section 45-202.612 and 203.512). The agreement must specify that the Probation Department will provide the services mandated in EAS Section 45-201.4, as well as the "personal rights of children" specified in 45-202.517 and 45-203.417. County Welfare Departments are responsible to ensure that Probation Departments adhere to the agreements (MPP Division 29, Section 29-405) and provide the mandated services to all children they supervise, including adjudicated dependents and delinquents. This responsibility is especially critical when the Probation Department places children in another State.

In summary, Probation Departments making these placements are acting as agents of the County Welfare Department pursuant to these written agreements and need to follow the requirements of the Compact as well as the terms of the agreements governed by MPP Division 29. Any placements made in which these provisions are not met would not be claimable under the AFDC-FC Program.

If you have any questions or need further information regarding the ICPC, please contact the Interstate Placement Bureau, Adult and Family Services Division, at (916) 323-2923 or the Foster Care Program Bureau at (916) 445-0813. Questions which are specific to the foster care eligibility function should be directed to the Foster Care Program Bureau.



ROBERT A. HOREL
Deputy Director
Welfare Program Division



LOREN D. SUTER
Deputy Director
Adult and Family
Services Division

cc: CWDA